

## **Process Framework for Involuntary Restrictions**

**20/04/2021**

**CEPF Grant 111960**

**Grantee: Asian Arks**

*Conservation of Annamite Biodiversity through a Social Business Model*

**Khoun Xe Nong Ma National Protected Area, Boualapha District, Khammouane Province,  
Lao PDR**

## **Grant Summary**

1. Grantee organization: Asian Arks
2. Grant title: Conservation of Annamite Biodiversity through a Social Business Model
3. Grant number: 111960
4. Grant amount (US dollars): 150,000
5. Proposed dates of grant: 01/07/2021 – 12/12/2022
6. Countries or territories where project will be undertaken: Lao PDR
7. Date of preparation of this document: 20/04/2021

**The Process Framework will describe the project and how restrictions of access to natural resources and measures to assist affected communities. Affected communities should have the opportunity to participate in the drafting of the Process Framework. Typically, the Applicant will prepare a draft Framework that will then be shared and discussed with local communities and other relevant stakeholders. Based on the consultations, a final Framework will be prepared. CEPF may provide guidance on development of the Framework and will review and approve the final Framework prior to approving the final project proposal application. The Process Framework should include the following elements:**

### **A. Project background**

Kong Xe Nong Ma National Protected Area (KXNP NPA), in Central Laos, is recognised by experts to be one of the most important remaining sites within the Greater Annamites, due to its comparatively intact assemblage of Annamite endemics and relatively undisturbed wet evergreen Annamite forest habitat. KXNM NPA holds what are likely some of the most regionally or globally significant remaining populations of a number of species of conservation concern, including multiple CEPF-identified priority species. Healthily populations of Large-antlered Muntjac *Muntiacus vuquangensis* (CR) and Annamite Striped Rabbit *Nesolagus timminsi* (EN) are known to be present, and KXNM is thought to have one of the highest probabilities of any protected area of retaining a population of Saola *Pseudoryx nghetinhensis* (CR). Also known to persist in KXNM are Red-shanked Douc Langur *Pygathrix nemaeus* (CR), Southern White-cheeked Gibbon *Nomascus siki* (CR), Gaur *Bos gaurus* (VU), Sun Bear *Helarctos malayanus* (VU), Asiatic Black Bear *Ursus thibetanus* (VU), Crested Argus *Rheinardia ocellata* (EN), Oriental Pied Hornbill *Anthracoceros albirostris* (LC), Brown Hornbill *Anorrhinus austeni* (NT), and Bourret's box turtle *Cuora bourreti* (CR). Clouded Leopard *Neofelis nebulosa* (VU) and Marbled Cat *Pardofelis marmorata* (NT) are believed to be present but not yet confirmed.

Like all forested areas in Indochina, wildlife populations in KXNM NPA are facing an exceptionally high level of threat from illegal hunting. Although KXNM PPA has so far been spared from the waves of extremely intensive, 'industrial-scale' snaring that are pervasive throughout the Annamites, under the current management regime it is simply a matter of time before these practises take hold in the area. In the past three-four years, new settlements in the adjacent province (Savannakhet Province, Lavene Laverne NPA) have increased hunting pressure in the southern sector of the NPA, and hunting pressure from neighbouring Vietnam remains ongoing and is likely to increase. Without measures which can effectively reduce this pressure, the populations described above will undoubtedly undergo severe declines, and eventual local extirpation, as has been observed in multiple other PAs throughout the Annamites.

KXNM NPA has recently been upgraded from a provincial to a national park (PM Decree 05 06.01.2021) and since 2015 it has received PA management support through the KfW-funded Integrated Conservation of Biodiversity Project (ICBF) project. However, this support will end in 2022, and even with this support resources are limited, and technical and management capacity remains low. Although patrol teams are ostensibly in operation, law enforcement capacity remains low, and wildlife populations are not

adequately protected. Given current and predicted future threat scenarios, the level of investment and management intensity required to maintain and increase these populations far exceeds the resources available for any PA in Laos currently, even those in which large international conservation organizations are working.

Asian Arks has chosen a conservation concession and social business model as the project model for ensuring long-term protection for key species and addressing threats in KXNM NPA for the following reasons:

- (1) a concession is a long-term commitment (50 years proposed), which is necessary to achieve viable species protection by reducing the risks and inefficiencies normally experienced with shorter-term, 2-7-year development project cycles;
- (2) provides greater ownership to the project to do what is necessary for protection, especially in regards to decision making on law enforcement strategies and personnel and by freeing protection efforts from the bureaucratic inefficiencies and institutional gaps that hamper typical development projects that focus on building government capacity;
- (3) provides long-term, tangible employment and revenue generation opportunities to local communities, which are ordinarily promised but not realized through typical development project models that focus more on training rather than tangible outcomes; and
- (4) provides clear economic incentives to the government and additional legal securities to protect KXNM against future extractive businesses such as mines and logging, which are now threatening conservation projects across Lao PDR and the region, regardless of protected area status.

The CEPF project will support initial activities of preparing and securing the conservation concession including:

- law enforcement activities to protect species in the proposed conservation concession area during the negotiation process;
- a longer-term enforcement strategy including stakeholder engagement with cross-border actors on the Viet Nam side;
- FPIC process with affected communities of the conservation concession, including an assessment of development needs in target communities;
- improvement of the research and training center plan including EIA in order to improve employment opportunities and minimize negative environmental impacts of infrastructure;
- market analysis of local product promotion in order to generate long-term benefits for local people

## **B. Participatory implementation**

Participatory Implementation of the Khoun Xe Nong Ma Boundaries: Prior to upgrading Khoun Xe Nong Ma from a provincial protected area to a national protected area (IUCN Category VI sustainable use area), the government held consultative meetings in 2019 with potentially affected communities of Khoun Xe Nong Ma Protected Area to get their agreement on the upgrade and on boundaries for the total area and the totally protected zone. These consultations were funded by the KFW-funded ICBF Project. Asian Arks has been told by the ICBF Project Chief Technical Advisor that these consultations followed an FPIC-type process, but documentation of the process is in Lao language in government documents that were not available when preparing this document.

Participatory Implementation of the Asian Arks Conservation Concession Proposal and Boundary: Asian Arks made an official proposal to the Department of Forestry to study to feasibility of the proposed conservation concession in Khoun Xe Nong Ma in March 2020. After the Department of Forestry created

an official technical team to work with Asian Arks on the feasibility study, Asian Arks visited Boualapha District in May 2020 to discuss with district and village stakeholders the concept and to get their input and assess their interest in the conservation concession concept. All nine forest-edged communities of Khoun Xe Nong Ma NPA were invited to the workshop in Boualapha District and eight were able to attend. All representatives expressed their interest in the project and asked for assistance with promoting local products (e.g. honey, livestock, and basketry) and getting more details on employment opportunities. Asian Arks has added these requested details to the proposed conservation concession plan, which was submitted to the Ministry of Planning and Investment in July 2020. Asian Arks is waiting for approval from the Ministry of Planning and Investment before conducting more in-depth consultations with potentially affected communities. Asian Arks is applying for CEPF funds to conduct a Free, Prior and Informed Consent (FPIC) process as part of the next steps for preparing and negotiating the concession.

Participatory Implementation of Interim Law Enforcement Activities: Asian Arks is supporting the government to conduct law enforcement in the proposed concession area currently in order to protect key species during the concession preparation and negotiation process (which is estimated at 6-12 months from the time of approval). Such LE activities were initially set up by the ICBF Project, which has consulted communities prior to starting the law enforcement. Awareness building activities in communities were conducted by the ICBF Project to inform communities on boundaries, regulations, and restricted access. The ICBF Project has included villagers on all of the patrol teams (2 per team), in addition to setting up village patrol teams in each village. Patrol teams have received training for WCS, including protocols related to human rights safeguards, and patrols teams must follow TORs (listed in the ICBF Project “Protected Area Patrolling System & Management Implementation Guideline”).

#### **C. Criteria for eligibility of affected persons**

Asian Arks has identified 4-5 target communities that are located near the proposed boundary of the conservation concession. The boundary of the concession follows the officially approved boundary of the Totally Protected Zone of Khoun Xe Nong Ma NPA. These 4-5 communities are within walking distance to the proposed concession area and would have traditional user rights to the area. The proposed FPIC process might also include 1-2 villages located in the adjacent area of Laving Laverne National Protected Area in Savannakhet Province who are also within walking distance of the proposed concession area and are reported to regularly hunt in the area. All families in these potentially affected forest-edge communities would be considered as potentially affected persons. Such criteria will be revisited during the FPIC process that will be supported by CEPF.

#### **D. Measures to assist the affected persons**

Asian Arks has not yet started its own activities as the conservation concession is not yet approved. Measures to assist affected persons will be more formally developed through the conservation concession preparation and negotiation process, which will be informed by the FPIC process that will be funded by CEPF. However, Asian Arks has included quite a few details about including affected communities in the concession, including providing employment to target communities (all families will have an opportunity to participate and benefit from employment within reason of the logistics of the business); providing opportunities to all affected villages to produce and sell local products that will be promoted by Asian Arks; and creating a village conservation and development fund using 5% of sales revenue which will be shared equally by communities and families of affected communities. Asian Arks will give equal access to employment and income generating activities to women and disadvantaged groups within target communities.

#### **E. Conflict resolution and complaint mechanism.**

Currently, as Asian Arks is only supporting interim law enforcement activities that are guided by the ICBF Project, the ICBF Project conflict resolution and grievance mechanism is what Asian Arks must

follow. This mechanism is detailed in the document entitled “Village Consultation Process and Grievance Mechanism” (attached). For the conservation concession, Asian Arks has proposed setting up a district stakeholders’ steering committee to assist with conflict resolution, following the co-management model set up by the GIZ-supported project in Hin Nam No National Park. A similar complaint mechanism already employed by the ICBF Project will be instituted by the district stakeholders’ steering committee, the details of which will be recommended by the FPIC specialist funded by the CEPF.

*Following the guidance above, describe the grievance mechanism that you will use.*

In addition to the ICBF Project grievance mechanism, Asian Arks will propose to government counterparts to add an additional Asian Arks grievance complaint system, which will include the following details:

**If you have a complaint about Asian Arks**

For problems with any Asian Arks advisors or staff or any activities that they are involved with, please contact the following:

- Contact Ms. Phet at Tel/Fax +856(0)21253601
- Or send email to: [hannahokelly@asianarks.org](mailto:hannahokelly@asianarks.org) and
- Or contact or send email to the CEPF Regional Implementation Team: Vithaya Xindavong, (020) 28 953 608, [vithaya.xindavong@iucn.org](mailto:vithaya.xindavong@iucn.org)
- Or send directly to the CEPF Executive Director: [cepfexecutive@conservation.org](mailto:cepfexecutive@conservation.org)
- We will share all grievances – and a proposed response – with the Regional Implementation Team and the CEPF Grant Director within 15 days. If the claimant is not satisfied following the response, they may submit the grievance directly to the CEPF Executive Director at [cepfexecutive@conservation.org](mailto:cepfexecutive@conservation.org) or by surface mail.

Once getting agreement from the government to implement the Asian Arks grievance, all stakeholders will be informed of the objectives of the project and the existence of the Asian Arks grievance mechanism by having a meeting in each village and posting the grievance system details in a public location(s) in the village.

**F. Implementation Arrangements**

As mentioned above, Asian Arks is not implementing law enforcement or other activities on its own but is rather supporting local authorities in cooperation with the ICBF Project. Once the concession is approved, Asian Arks plans to implement the grievance mechanism and village participation processes in cooperation with a district stakeholders’ steering committee. The FPIC process that will be supported by CEPF will be implanted by an independent civil society group. Improvements to the conservation concession proposal will be made by Asian Arks advisors based on the FPIC process input and recommendations.